

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

GLORIA PARRELLA,

Plaintiff,

v.

KROGER TEXAS L.P.,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO.  
3:21-CV-00102-C

**MOTION FOR REMAND TO STATE COURT**

**Grant K. Gerleman**

State Bar No. 24083065

[grant@scottpalmerlaw.com](mailto:grant@scottpalmerlaw.com)

**Scott H. Palmer**

State Bar No. 00797196

[scott@scottpalmerlaw.com](mailto:scott@scottpalmerlaw.com)

**SCOTT H. PALMER, P.C.**

15455 Dallas Parkway, Suite 540

Addison, Texas 75001

Telephone: 214.987.4100

Facsimile: 214.922.9900

**COUNSEL FOR PLAINTIFF**

COMES NOW Gloria Parrella, Plaintiff who would show unto this Court that this Court lacks subject-matter jurisdiction over this case due to a defect in removal procedure. Plaintiff will ask this Court to remand this case to the Dallas County Court at Law No. 2 where it was originally filed.

1. Plaintiff was injured on January 13, 2019 and filed suit in state court on October 21, 2020. (Ex. 1). Plaintiff never amended her petition.

2. The petition alleged that “Plaintiff intends to conduct discovery under Level III of Texas Rules of Civil Procedure 190.4 because she seeks monetary relief aggregating more than \$50,000 and requests the Court enter a Discovery Control Plan to place this case under Level III.” Critically, the petition also alleged that Plaintiff sought damages under “Rule 47(c)(5).” At the time of the filing, Rule 47(c)(5) governed suits in which the recovery sought was monetary recovery in the amount of more than \$1,000,000 (**one million dollars**).

3. Defendant filed an answer on November 13, 2020.

4. On January 15, 2021, Defendant filed its notice of removal. (Ex. 5).

5. Plaintiff asks this Court to remand this case back to state court because Defendant’s removal was untimely and for any and all other relief to which Plaintiff maybe justly entitled.

Respectfully submitted,

By: /s/ Grant K. Gerleman

---

**Grant K. Gerleman**  
State Bar No. 24083065  
[grant@scottpalmerlaw.com](mailto:grant@scottpalmerlaw.com)  
**Scott H. Palmer**  
State Bar No. 00797196  
[scott@scottpalmerlaw.com](mailto:scott@scottpalmerlaw.com)  
**SCOTT H. PALMER, P.C.**  
15455 Dallas Parkway, Suite 540

Addison, Texas 75001  
Telephone: 214.987.4100  
Facsimile: 214.922.9900

**COUNSEL FOR PLAINTIFF**

**CERTIFICATE OF CONFERENCE**

On February 10, 2021, Niles Illich (an attorney at Scott H. Palmer, P.C.) conferred with Hope Miranda (counsel for Defendant) concerning this motion. Ms. Miranda confirmed that the Defendant is OPPOSED to this motion.

/s/ Niles Illich

\_\_\_\_\_  
**Niles Illich**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all counsel of record in accordance with and pursuant to the Federal Rules of Civil Procedure on February 16, 2021.

/s/ Grant K. Gerleman

\_\_\_\_\_  
**Grant K. Gerleman**